

## MINUTES

SALINA CITY PLANNING COMMISSION  
CITY COMMISSION MEETING ROOM  
December 5, 2006

### MEMBERS

PRESENT: Bonilla-Baker, Funk, Mikesell, Schneider, Simpson, Weisel, and Yarnevich

### MEMBERS

ABSENT: Ritter and Soderberg

### STAFF

PRESENT: Andrew, Asche and Burger

ITEM #1. Approval of the minutes of the regular meeting held on October 17, 2006.

The minutes of the October 17, 2006 meeting were approved as presented.

ITEM #2. Approval of the minutes of the regular meeting held on November 7, 2006.

The minutes of the November 7, 2006 meeting were approved as presented.

ITEM #3. Application #PDD06-1, filed by Monty Gilliam, dba Prime Property, requesting a change in zoning district classification from R-1 (Single-Family Residential) district to PDD (R-3) (Multi-Family Residential) district to allow the former Shalimar Health Center to be converted from a nursing home to apartments for the elderly.. The subject property is legally described as Lot 3, except the Northeast 3 feet thereof, and all of Lots 9-13, Block 11 of the Shalimar Plaza Addition to the City of Salina, Saline County, Kansas and addressed as 2054 Lambertson Lane.

Mr. Andrew presented the staff report which is contained in the case file.

Ms. Yarnevich stated I have one question Dean. On the three recommendations, does one include restoring the alleyway to grass? In the letter I think from the residents they did ask that be included.

Mr. Andrew stated that could be added as a condition. We were interpreting the plan as not depicting the alley and we were assuming that as it being removed. But if we want to clarify that, then certainly that could be added as a condition, that the gravel for the old alley be removed. That driveway was used for delivery vehicles, laundry and food deliveries to the kitchen, so it looks and appears like an alley, but I think that would add clarification and assurances if that were added as a condition.

Mr. Simpson asked any other questions of Dean or members of the staff?

Mr. Funk asked where's this Lot 3 that is mentioned?

Mr. Andrew stated John might have to scan that down. There are houses here and here and this is the street to the north here. There is nothing on this lot except this is the old laundry building

that is there. These corner lots have been taken out, but this lot is part of what is being asked to be rezoned and included with the apartment complex. The applicant does not have plans to take that out of the plan or to sell it. He wants to retain that and perhaps find a reuse for that building that's more of an amenity.

Ms. Yarnevich stated well if we approve this though, that would open the door for him to put more apartment units there, correct?

Mr. Andrew stated no because he's limited to ten apartments and if you look at Condition #4 at the top of Page 9 there, what we're suggesting is that if there is a plan to demolish this building and do new construction or to modify that, that they would bring that plan back in front of you to review because that would be a substantial change from what you're seeing today. We think that would address that. The way this is written, they are limited to ten dwelling units and they couldn't add any without coming back before you.

Mr. Funk asked now the lots at each end, is that only one lot at each end or are there two?

Mr. Andrew asked can you show the vicinity map John?

Mr. Funk stated that one right there, with the checkerboard.

Mr. Andrew stated what we're referring to is Mr. Gilliam owns, this is Lot 14 and this is Lot 8. There's a residence here and there's a residence here. It's our understanding that Mr. Gilliam is willing to offer these two lots to the abutting homeowners to incorporate into their own lots if they can agree on a price and if they wish to purchase them.

Mr. Funk asked they're zoned R-1?

Mr. Andrew stated they are zoned R-1. They'll stay zoned R-1 under this proposal, so let's say that down the road that nobody buys them, the only thing Mr. Gillam could do is sell those to somebody who would want to put a house on them. They are platted lots that were designed to have houses.

Mr. Simpson asked other questions? Would the applicant or his representative care to address the Commission?

Ken Wasserman, 213 S. Santa Fe, stated I represent the applicant. In answer to Margaret's question, we certainly have no problem grassing in what used to be the old alleyway as one of the conditions. We are happy with the staff conditions. We think now that there's no parking in the back and each of the individual patios are screened with wood fencing, it is probably more aesthetically pleasing to leave the grass and not put a solid wall along the back property line. That's fairly close to the building. With respect to the two end lots, one of those I believe is either sold or in the process of being sold to an adjoining property owner. That other lot on the far end, we really plan at this time to keep and put a gazebo and picnic tables and things like that there. Not only the residents but the neighborhood could use those on the lot. We've had at least one meeting with neighborhood residents and have had several communications with them. I think we're fairly close on target to what they were hoping for. This is the minimum usage that would appear to work for my client in terms of being able to develop it. This plan appears to work. So we would request favorable consideration of the application. Charles Renz from Jones-Gillam

Architects is here and could certainly answer any architectural questions that you may have.

Mr. Simpson asked Ken does the R-2 create any particular problems for you? If we approved R-2 just as Dean said it would probably be more compatible with the proposed use of the structure.

Mr. Wasserman stated our position on that is if the City is fine with it, then we're fine with it. We don't have a strong desire one way or the other. It's whatever you all thinks works best here.

Mr. Simpson stated okay. Is this development really tied to the income tax credits or is that something you would obviously want to receive?

Mr. Wasserman stated that's obviously something we want to receive. There are several other financing options for this kind of housing so we're working with some other folks out of Kansas City. We are exploring some other options too. It's not absolutely married to the tax credits. We do need some favorable financing to make it all work, but there are several other options out there.

Mr. Simpson asked any questions of Mr. Wasserman? There appear to be none. Thank you, Ken. Does anyone else wish to appear before the Commission regarding this application? Please state your name and address.

Cindy Larson, 2063 Lambertson Lane, I live directly across from the old nursing home. I wrote the letter you saw. I was addressing the alleyway west of the building because it was not noted in any of the plans. That was something that we wanted taken out of there so that the building would look more like part of the neighborhood. It seems that Mr. Wasserman and Dean have addressed that. My other concern was in the application that Mr. Gilliam submitted. It stated a request for a ten apartment units. This has also been called ten townhomes for the elderly and/or ten residential units. Is the application for all of these or which one of these? Dean explained that they used townhomes because of the square footage but I know that there are several different building codes for apartment complexes versus townhomes. Which codes are you going to follow and if they were to resell it, what would they resell it as?

Mr. Andrew stated the terminology of townhomes would be staff's own fault for intermixing those terms in the discussion. Again, it had to do with the square footage. What is being referred to is, if you build side-by-side townhomes that are for sale, you've got to construct those differently than if you build an apartment facility. From our standpoint we are treating these as apartments that are available for rent. The existing building is not designed architecturally or set up for zoning to have the building divided into condominiums or townhomes. From our standpoint we are treating this as apartments for the elderly and would work with Mr. Renz on all the codes that are applicable to apartments and not townhomes. It's our fault for introducing that term just because we thought the square footage in the floor plan was similar to what you'd see in townhomes.

Ms. Larson asked can the PDD zoning per the ten-unit plan be zoned without including the R-3 (Multi-Family Residential) zoning? Because if we go back to the R-3 use, then aren't we going back to what we originally petitioned against?

Mr. Andrew stated we use the underlying zoning so that we don't have to write lengthy ordinances for a particular piece of property. The zoning tells you what the lot coverage is limited to. It tells you what setbacks are required and so on. For any Planned Development District that we do, we designate an underlying zoning district. That is what is referred to and tells you what the setbacks and other requirements are. Otherwise, you'd have to write a new ordinance every time you did a Planned Development District. This is binding on the applicant and that project is what this is limited to, ten dwelling units or apartments for the elderly. If they wish to do something different with the property, then they would have to come back before the Commission and amend their PDD.

Ms. Larson asked so if they wanted to change it to just regular apartments they would have to come back here?

Mr. Andrew stated if they wanted to rent this out to the general population, they don't have enough parking. There would be a number of other issues and that would be brought back in front of this body. That's the advantage of a Planned Development District. It spells that out and they're bound by it unless they come back in front of the Planning Commission, neighbors are notified of the change and we conduct a new hearing.

Ms. Larson stated okay that's all I have to say. Thank you.

Mr. Simpson stated thank you. Anyone else wish to address the Commission?

Shirley Gawith, 1211 Sarah Lane, stated I just have a question. As I understood from the first meeting that we had, when it's changed to a PDD that whatever it is on the plan then that's exactly how it will be. Is that correct?

Mr. Andrew stated that is correct.

Ms. Gawith stated OK. So back to the fence. You said that there's not going to be a fence along the back. What about the side lots there, the one on the south and the one on the north? Is there going to be a fence there?

Mr. Andrew stated that there is not a requirement that they put a fence there now. You're referring to this lot right here?

Ms. Gawith stated yes and on both sides.

Mr. Andrew stated from our perspective, there's nothing there to screen. There's not a parking lot there so it would not have headlights or anything there that would need to be screened. They are planning to have that as a landscaped area with a lawn and existing trees. There would not be a requirement that they install a fence or anything there.

Ms. Gawith stated when we visited with Monty, he said that there would be a fence along both sides there and along our property. It isn't clear on to the landscape design. Doesn't that all have to be placed on a plan? You said that there's going to be a tree here and here. What if it dies? Is there going to be another tree planted?

Mr. Andrew stated most of what's depicted on the plan is existing. There are a large number of mature trees. The way we interpreted this, about all but three of those trees will be retained and will not

be removed. When we go out and inspect this plan, we would expect the sidewalks to be where the sidewalks are shown and the driveways to be where the driveways were shown. This plan does not show a fence there and the ordinance does not require one.

Ms. Gawith stated OK. I guess I would just like to see a fence put in there. I just think that there should be a division there between the apartment units and our lot. That's just my personal opinion. Take that for whatever that is. Also I just wanted to know that when you talk about elderly housing, you say that the age of the residents can be from 62 or 55 and up?

Mr. Andrew stated in some developments it's 55 and older. In other cases it's 62 and older. I would defer to Mr. Wasserman as to what they're planning with this development. Federal housing laws only allow you to discriminate in housing by age. That age can be 55 in some cases and in others it can be 62 depending on how the development is funded.

Ms. Gawith stated OK. We won't know that until when?

Mr. Andrew stated I'll defer to Mr. Wasserman as to who their target market is. If they pursue low-income housing tax credits then those can be used for anybody that's 55 or older.

Mr. Wasserman stated as much as it pains me to put 55 in the old age category, our plan will be age 55 and older.

Mr. Simpson stated anyone else wish to comment on the application?

Mr. Funk asked I was going to ask Mr. Wasserman a question. Does that necessarily preclude children? In other words, could a couple of 55 care for their grandchildren on a long-term basis? That happens some times in this day and age.

Mr. Wasserman stated you know I honestly don't know the answer to that.

Mr. Andrew stated I do know that the law does permit you to exclude children. In other words, if a manager of an elderly apartment complex wants to exclude children from living there they may.

Mr. Funk asked is that discrimination?

Mr. Andrew stated that's permissible discrimination. Again the only area of housing where you can discriminate right now is by age. You can make a housing complex exclusively for 55 or 62 and older.

Mr. Funk asked but management could exclude children if he wanted to?

Mr. Andrew stated they would not be violating any housing laws by excluding children.

Mr. Funk asked but at this time there's no plan to exclude children?

Mr. Wasserman stated I honestly think we weren't thinking that was a problem with that age group. I suppose it could be. It's not going to be likely though, given the size of these units.

Mr. Funk stated well I was thinking because of all of the room, Grandma and Grandpa can take care of the grandkids.

Mr. Wasserman stated that's a tough call to make because there's a question of, are the grandkids visiting or are grandkids living with them? Having experience in other areas, those can be really tough decisions to make. When you go out there and look there's nobody there, and two days later they're back. So my hope would be that that's managed by the size of the units and the cost of the units which is going to cause people who at least probably take their responsibilities very seriously to live there, rather than somebody who's trying to circumvent the system.

Mr. Mikesell asked will there be a manger on site?

Mr. Wasserman stated there won't be one living there. There will be a permanent manager for the facility, just not living there. All of the units will be rented out. I suppose it's conceivable in the future where an elderly couple may want to take over the management and they then would live in one of the units as well. That's always a possibility. There won't be a management apartment on site.

Mr. Simpson asked does anyone else wish to speak to the application? There appear to be none. We'll bring it back to the Commission for discussion and action. We have two considerations here, first amending the Comprehensive Plan and then addressing the application itself.

MOTION: Ms. Yarnevich I move that we amend the Comprehensive Plan to change the use of this property from public and quasi-public to medium-density residential.

SECOND: Mr. Mikesell seconded the motion.

Mr. Simpson stated it's been moved and seconded to amend the Comprehensive Plan. Any questions or comments on the motion? There appear to be none. All in favor say aye. Opposed?

VOTE: Motion carried 7-0.

MOTION: Ms. Yarnevich stated OK. Next, I would move that we approve Application #PDD06-1 with the four staff recommendations and adding a fifth condition that the existing alley at the rear of the building be removed and the area returned to grass.

SECOND: Mikesell seconded the motion.

Mr. Simpson stated it's been moved and seconded. Do we want to address the R-2 or R-3 underlying zoning? I guess that would be the question.

Ms. Yarnevich stated I didn't clarify that in my motion

Mr. Andrew stated that the R-2 zoning would more accurately reflect the proposed residential density of the project.

Mr. Simpson asked okay is that acceptable to the maker of the motion and the second?

Ms. Yarnevich stated OK, with the zoning change to PDD(R-2).

Mr. Simpson stated OK, you've heard the motion and the second. Any further questions or comments?

Ms. Yarnevich stated I do. Did you not say that option number 4 was crossed out which was the option to R-2?

Mr. Andrew stated that is certainly an option that is available. We put that in there because the R-2 zoning would be less incompatible with the neighborhood. It's not unusual to have R-2 mixed in with R-1. It is unusual to have R-3 mixed in with R-1.

Ms. Yarnevich stated I put an X through Number 4 for some reason. I thought you had said that you weren't going to do that. I would amend my motion to the Planning Commission, alternative number 4 to change it to PDD(2).

Mr. Simpson asked OK. Are there any further questions or comments? We appear ready to vote. Those in favor say aye. Opposed?

VOTE: Motion carried 7-0.

Mr. Andrew stated I just wanted to clarify on the question of the fence. Certainly Mr. Gillam can visit with his neighbors and voluntarily agree to do certain things, but we didn't think that was something we felt should be compelled.

Mr. Simpson stated and if it's sold to an adjoining property owner if they want to put up a fence for privacy or whatever they can.

ITEM #4. Application #CU06-6, filed by Kansas Wesleyan University, requesting approval of a Conditional Use Permit to allow construction of a parking lot in an R-3 (Multi-Family Residential) district on property legally described as Lots 26 and 28 on Claflin Avenue in the Grounds of Kansas Wesleyan University, City of Salina, Saline County, Kansas (aka 117-125 E. Claflin).

Mr. Schneider stated Mr. Chairman I need to recuse myself from this item.

Mr. Simpson stated alright sir.

Mr. Schneider left the Commission table for this item.

Mr. Andrew presented the staff report which is contained in the case file.

Ms. Yarnevich asked is there another lot just west of the Hodges Women's Clinic?

Mr. Andrew stated I believe there is. I think you would have to go back to the aerial photo.

Ms. Yarnevich stated yes. Who owns that lot?

Mr. Andrew stated it is tied in with the Hodges Clinic.

Ms. Yarnevich asked is there a parking lot there?

Mr. Andrew stated it is an unpaved parking area that they own and control.

Ms. Bonilla-Baker asked are there existing trees in the lot there? I can't tell.

Mr. Andrew stated yes.

Ms. Bonilla-Baker asked are they going to be taken down?

Mr. Andrew stated no. These are out in the right-of-way. There is a possibility that to get a driveway in there that one would have to be removed. There's a pretty good row in there that would stay in place in the right-of-way, but it is possible that one of those would have to be altered or removed to get the driveway in there.

Mr. Funk asked but there are some trees in the proposed parking lot that will have to be removed?

Mr. Andrew stated yes.

Mr. Funk asked is that shed going to stay?

Mr. Andrew stated that is shown on the composite plan there. That is a storage building for the Methodist Church there and they use that and they also park a vending trailer that they have that they use at the River Festival and other events. That is their accessory storage building for equipment and I think a Boy Scout troop also has some equipment stored there.

Ms. Yarnevich asked the diagonal lines on the plan, is that landscaping or just shows that those are not parking places?

Mr. Andrew stated those are painted lines to indicate that those are not parking stalls or spaces.

Mr. Simpson asked any other questions of Dean? Mr. Gillam would you like to address the Commission?

Jeff Gillam, representing Kansas Wesleyan University, stated one clarification that we had on Dean's comments and staff recommendation was Item #2. We had understood that they were requesting curbing along the north, so if it's just curbing along the south boundary and driveways that's fine.

Mr. Andrew stated yes we're not looking at that area adjacent to the alley. The parking blocks will be sufficient. We're looking at using curbing along the edges along Claflin to have something to help direct the lot runoff out through the driveways.

Mr. Gillam stated no problem. With that we're OK with all of staff's recommendations. With issue to the trees, we are trying to maintain as much of the vegetation and trees along Claflin that we can. I believe that there is one at the new driveway that may have to be removed. As Dean also mentioned, as we try and connect to the church's parking lot, we are redesigning the striping and the traffic flow to be more consistent and efficient for the church and for Kansas Wesleyan. It will be a shared lot for both.

Mr. Andrew stated currently there is just one driveway. It's only 10 or twelve feet wide so this will be widened out and these stalls are currently 90 degrees. They will be re-striping all of this area. When you use the lot, it will appear to be all one lot as opposed to separate ones.

Mr. Gillam stated that's correct. The storage shed, we don't have any control over that. That is the church's. We anticipate that it will remain. With that we request that you approve the Conditional Use Permit with staff's recommendations and I'm happy to answer any questions.

Mr. Simpson stated OK. Any questions for Mr. Gillam?

Mr. Funk asked is there going to be any type of barrier curb or fence along on the north edge of the lot. I understand we don't want traffic from the parking lot going into the alley.

Mr. Andrew stated these stalls are shown with parking blocks so that if those are installed at the end of the stalls, then that would eliminate the ability to drive on into the alley. One question was whether we thought curbing would be needed here. We don't believe curbing is necessary. The parking blocks would serve as a discouragement to try to exit the lot through the alley.

Mr. Simpson asked any other questions or comments? OK, thank you. Anyone else wish to address this application? There appears to be none. We'll bring it back to the Commission for discussion and action.

MOTION: Ms. Yarnevich stated I move that we approve Application #CU06-6 with the five conditions listed in the staff report.

SECOND: Mr. Mikesell seconded the motion.

Mr. Simpson stated it's been moved and seconded. Any further questions or discussion? Those in favor indicate by saying aye. Opposed?

VOTE: Motion carried 6-0. (Schneider abstaining)

ITEM #5. Application #PDD88-4G, filed by Spangenberg-Phillips Architects, requesting approval of a final site development plan to allow construction of a hotel on property legally described as Lot 1, Block 1 in the Replat of Country Oak Estates Addition to the City of Salina, Saline County, Kansas (aka 705 West Schilling Road).

Mr. Schneider rejoined the Commission at this time.

Mr. Andrew presented the staff report which is contained in the case file.

Mr. Simpson asked any questions of Dean? Will the applicant or his representative please address the Commission?

Mike Decker, Spangenberg-Phillips Architecture, 121 N. Mead, Wichita, KS, I'm here on behalf of the applicant. There are a couple of concerns or at least one concern that it sounds like we need to address which has to do with the drainage off the site. The building itself is going to have a pitched hip roof. It'll have a perimeter gutter system around the entire building. There'll be downspouts off those gutters on the north and south sides of the building. About half of the building will be draining to the south and half onto the north. It is the intent of the civil engineers to provide a ponding area on the south side of the building to accommodate some of that drainage. Runoff would go ahead and drain into that area, where it would be detained and then flow to the east towards I-135 and continue out the same place or point that you see on the front of the building that goes out to the drainage way out next to I-135. So all of it ultimately ends up going in that same direction. That's the way we have it designed right now. We do have one item that we are still trying to pursue and would like to have some leeway on. That is in connection to the water lines that are available on the site. It was mentioned that there was a 12-inch line on Schilling Road and that there is a six-inch line at our southwest

corner over between us and Casey's. We've been able to come up with what we're going to need to have to accommodate the building in terms of the sprinkler system, fire suppression system, and for the domestic water supply. What we'd like to do is get that information to the City and have the water line tested there at the hydrant at the six-inch line to our south to see if it's capable of giving us the water that we need to service our building. This is instead of going all the way across Schilling Drive to the north. So we'd like to leave that open if we can to at least try that avenue of connection. Of course we would only do it if it meets our needs to do so.

Mr. Andrew stated the only question mark about that would be, and I'm sure the Director of Utilities would be happy to look at that and the flow there as an alternative, I think the only question with that is if you come from this direction then where would a fire hydrant be located and what, as you extend this on, what type of flows you would be able to get off an extension there. That's one thing that both the Fire Department and Utilities Director would certainly be willing to look at. But I think the preference by staff for coming across Schilling Road is that it just allows for a favorable location for a hydrant with a known quantity of flow from that 12-inch line. There's not a specific condition or requirement that this needs to be done. After staff review, staff thinks that is the best way to achieve the supply of water that is needed. However, they're willing to look at the alternatives based on what the demand or projected flow needs will be for the motel.

Mr. Simpson asked Dean do you know what the Baymont has in the way of service. Is it a six or 12-inch line?

Mr. Andrew stated they are connected off this 12-inch and then there's a line that comes down here. They are tied off that smaller line, but they have a little shorter run because they come out and are tied to that. This is the six-inch line that comes down Marcella and then is stubbed off here. The concern of the Utilities Director is that it's farther away from the bigger line and it's also a dead-end. So they will have to test the flows in that line and compare that with their needs.

Ms. Yarnevich asked that wouldn't be using condition number 3 condition.

Mr. Andrew stated right. What that alternative means is if the Utilities Director would look at that and conclude that it can be accomplished, then that's the plan they would approve. If they don't believe that it can be accomplished then they're going to have to go back towards the Schilling Road water line.

Mr. Mikesell asked in terms of the drainage issue, if say for instance KDOT requires something additional, how does that get handled administratively?

Mr. Andrew stated well one thing, and from our reviewing this with the Engineering Department, part of it just has to do with the elevation of the existing paving, this obviously doesn't exist. The way we've looked at the plan, this area is actually one of the highest portions of the site. Traditionally what you'd see on a commercial site is that some of the runoff from the parking lot would come out here and be directed out this way to get into the curb and gutter system for Schilling Road. The way this is shown, elevation-wise, these are gradients and basically it goes from here to here to here to here. If the KDOT District Engineer is fine with that, then

that will work. If they think that's too much of the site runoff sent their direction then they may ask to reduce that amount or to detain it slightly before it goes into their ditch system. If we can go back to the aerial photo or the utilities map, one would work. What has to happen is, this runoff would come to here and this water would come all the way down here and then there's a stream channel that comes under the Interstate and comes along here and goes back over Dry Creek here. So the discharge here would be carried in the KDOT ditch. They're the final authority. Their concern extends from the fact that they have to mow and maintain those ditches. If there's standing water or erosion caused from the runoff, that's why they regulate the discharge that goes into their ditches because they are responsible for maintaining those. So that is the only caveat. Most of the development along I-135, a portion of it does go into the I-135 right-of-way. It's just that most developments have a detention pond and then it's released at a controlled rate or a lesser rate into the ditch. This as it is proposed would just take the parking lot runoff and some of the building runoff and send it there. I think the District Engineer has come in talk to us. I think probably the applicant's engineer and the KDOT District Engineer will have to sit down and work that out. It's not an issue for this Commission other than to explain to you what the plan is for draining the site.

Mr. Decker stated yes, we've actually had some discussion with KDOT. The intention is to have the pipe sized so that as the water builds up it doesn't just automatically filter into the ditch there. It is detained somewhat on the parking lot. So there has been some of that conversation going on and that's built into the drainage plan that we have.

Mr. Andrew stated and that would be our caveat, that this plan is acceptable. It's just that the final word of how it gets into the ditch is up to KDOT.

Mr. Simpson stated OK, any other questions? Alright, thank you sir. Does anyone else wish to address this application. There appears to be nobody else. We'll bring it back to the Commission for discussion and action.

MOTION: Mr. Mikesell stated I would like to make a motion that we approve Application #Z96-8G subject to the seven conditions outlined in the report by the staff.

SECOND: Ms. Yarnevich seconded the motion.

Mr. Simpson stated it's been moved and seconded. Any further questions or comments? We appear to be ready to vote. Those in favor say aye. Opposed?

VOTE: Motion carried 7-0.

Mr. Simpson stated Dean I had a question. Some time ago we approved a motel out on South Ninth, or hotel. Is there anything happening with that?

Mr. Andrew stated we have a building permit that has been reviewed and it is ready to pick up. What we understood was that the construction bids, even the most favorable ones, were too high and they're going back and looking at some design changes and modifications to try to get more favorable bids before they begin construction. But they've applied for a permit and the permit's sitting up there ready to issue. It's a question of contractor bid prices right now.

ITEM #6. Application #Z06-8, filed by the Salina City Planning Commission, requesting the addition of Section 42-420 North Ohio Gateway Overlay District to Article VII, Planned Development Districts, of the Salina Zoning Ordinance. Proposed draft of the North Ohio Overlay district regulations. Continued from November 7, 2006.

Mr. Andrew presented the staff report.

Mr. Schneider asked is there any additional definition on some of the prohibited uses in the overlay? We had a question last time about massage parlors. I was thinking also about drinking establishments without food sales. Is there a percentage of food sales involved with that or is it by definition?

Mr. Andrew stated that was the decision that was made when we regulated the drinking establishments in the downtown area. Oddly enough when the smoking ordinance was adopted we had a definition of bar and a definition of restaurant, and if you're a bar you can smoke and if you're a restaurant you can't. When we looked at defining that for the downtown area the agreement was to have a definition that was "drinking establishment" that covered everything, and then either your are a drinking establishment that does have food sales or one that doesn't. That would refer to a true bar or tavern or club that had no kitchen and no food sales at all.

Mr. Schneider asked would it be defined by a food permit that they applied for. Would that be a way of controlling bars without food service.

Mr. Andrew stated they would have to have a kitchen and the Health Department would have to approve a food permit. So I think we've identified in the Downtown area, Martini's, Martinelli's, as establishments that are considered to be drinking establishments but have food sales. The Groove, The Spot and places like that are also drinking establishments but they have no kitchen and no food sales. So the idea would be that the true bar or tavern or club would be prohibited use in that corridor. But if you were a restaurant chain that had food and served alcoholic beverages, that would not apply to you.

Mr. Schneider asked what about flea markets?

Mr. Andrew stated probably a good one to consider is flea markets. We have generally treated those as temporary uses that come and go. To establish a location in the first place, the Planning Commission would have to approve that. But if you wanted to go on record as recommending that it not even be something you could apply for, that could certainly be added to that list. As I said, this is a combination of going through our ordinance. I think it would be fair to pull out that list and give it to the Commission either for your notebooks or as a handout as to how those are defined. Some of them are listed and defined in the ordinance today. Some do not have an adopted definition for them. I think that would be reasonable, to pull those out and put them on a sheet so that it shows those prohibited uses clearly. People would be put on notice and you would had some guidance as to what those are. I'm not prepared to say that those are the only 18 uses that people might want to see prohibited. There might be 30 or 35. But those were things that we had identified from the ordinance or from experience or comments that we received that people didn't want to see in that entryway between I-70 and the Ohio Street Overpass.

Ms. Yarnevich stated I would agree that flea markets would be one thing I wouldn't want to see there. So if we could have that added I think that would be acceptable.

Mr. Andrew stated certainly we can do that.

Ms. Yarnevich stated it's hard to imagine how many things you wouldn't want to see there that you can't even come up with.

Mr. Mikesell stated well we've made a huge commitment in terms of the cost of this overpass and in terms of the art on the overpass. You know to have something like a flea market on this corridor that's supposed to be a gateway to our city would be out of place.

Mr. Andrew stated seven minds are better than one. So anything you can see there or can come up with, that was our best effort at looking at things that are uses that require special licenses or have restrictions placed on them already.

Mr. Funk stated this isn't an absolute list I believe. Any proposal that comes up could always be questioned and turned down.

Mr. Andrew stated right. Even if something was proposed and it wasn't on this list there may be somebody who thinks it should be. Before we act on your request we're going to recommend that this listing be clarified so that these represent the uses that are not permitted. This could always be amended to exclude a use and then it would not have to be considered. Like I said, I think it's a good first attempt to try to get some consensus on things, but it's hard to identify all of the things that could be proposed and think of every one of them.

Mr. Mikesell asked do you need a motion on this Dean or is this just a recommendation?

Mr. Andrew stated this is a proposal to add a new section to the Zoning Ordinance so what the City Commission would want to know is whether the Planning Commission recommends or endorses this being added to the Salina Zoning Ordinance. So the options would be to make a motion to recommend that this be approved and added to the Zoning Ordinance or certainly recommend approval of any additions. The one addition I've heard is flea markets. The other option would be if you think this needs more time or study, you can say we ought to postpone taking any action or you could say that this isn't needed in our zoning ordinance. That would be an option as well. But if you're comfortable in endorsing this concept and recommending that the City Commission take action on it, that's what would advance it to the City Commission. They want to know what your thoughts and recommendations are on this proposal.

Mr. Schneider stated I have some concern. The buffer is a long ways, a quarter of a mile. Is the intent to cover the view off of Ohio? You know to me this is kind of overkill. That's a tremendous distance.

Mr. Andrew stated our concern was looking at the map and looking at those lots that are inside the curve there for Pacific and making sure those were included because they are adjacent to the pond area and the semi-park areas there. The other part was the fact that the A-Plus Galvanizing plant is a little more than a quarter of a mile from Ohio Street, yet most of the feedback we get is that it does impact that corridor. So whether it's a tower of some sort or a

building that's unusually tall or whatever that might be, the 1,320 feet is relatively deep and in some cases would go deeper than say a frontage lot on Ohio. Like I said, the feedback we got was plotting out for people where A-Plus Galvanizing was in relation to Ohio Street. People were thinking that something in that location could impact the corridor and that it should be subject to that. It would also extend to underground wiring and some other things that would extend back that far.

Mr. Schneider stated I know we can't do anything about A-Plus Galvanizing at this point right?

Mr. Andrew stated no, it is in place. It is what it is. There's some things on the Ohio Street frontage that might be able to be done, but part of it was to say, well something that close could have an impact so a look should be taken at it before it occurs. So that is at least the rationale for that.

Mr. Schneider stated yes. We may exclude junk dealers but you can get a car crushing operation with it's towers like those big salvage yards that could be uglier than the galvanized A-Plus building and you can see those from a quarter a mile away easily. I don't know A-Plus Galvanizing's business but they're quite a bit off Ohio. My guess was they are planning on selling frontage to someone else up front there potentially down the road but I don't know if that is possible.

Mr. Mikesell stated the other issue though as you come over the overpass you're going to get a good look at everything, you're going to have a broad view of everything coming the other direction. A quarter of a mile certainly wouldn't seem very far at that juncture.

Mr. Schneider stated yes but that's up the road a piece. Well if I remember the bridge right, there's some standards on it. I'm not sure that when you're in the car you're going to be able to see out over that. There's a walking path and there's some railings. These may prohibit that kind of view.

Mr. Funk stated it's going to be beautiful enough with the artwork.

Mr. Schneider stated well I don't know if you're going to be able to see out when you come across the bridge.

Mr. Andrew stated it will be somewhat similar, if you're on the Broadway overpass you can see quite a distance either way because you are quite high. This will be something on the order of 33-35 feet above the natural grade that's there today. The thought behind the 1,320 feet was that something that was built within a quarter of a mile could have a visible impact on the appearance of the rest of the corridor. There's numbers in between that distance. Looking at that, there was a benefit district that was created for water and sewer on North Ohio. That benefit district extended a quarter mile on either side of Ohio, so this boundary up at the north end matches up pretty well with what's annexed into the city and what is part of that benefit district for water and sewer. It matches up down at the intersection where Pacific is realigned. I don't know that there is a perfect number, but an eighth of a mile is less deep or wide then the South Ninth Street corridor is today. So again, that was based on some input we got at the study session and other meetings. We decided to go with the 1,320 ft. Obviously if that is determined to be overkill, that can be modified as well. Anything

that becomes adopted is subject to being amended if it doesn't work.

Mr. Schneider stated well that's all I'm concerned about is inhibiting development of the area because there needs to be development in the area or it's going to look barren anyway.

Mr. Andrew stated our hope is that this will encourage people to invest in the area because they'll know that their investment will be protected.

Mr. Funk asked isn't there a floodway that extends from the levee to the north, how far north is that?

Mr. Andrew stated just a little bit north of Stimmel Road. So again, that area is most likely going to remain open space and you're going to have development grouping up by the interstate and between the levee and Pacific. That's going to be your two main development areas on this corridor.

Mr. Simpson asked any other thoughts or suggestions, comments?

Ms. Yarnevich asked now are we supposed to make a move toward a recommendation?

Mr. Andrew stated ok. If you wanted to endorse this going to the City Commission for consideration, then Alternative 2, at least from what I'm hearing, you'd want to recommend approval of the amended listing with the addition of flea markets added to the list of prohibited uses and any other changes that you thought were appropriate.

MOTION: Ms. Yarnevich stated then I would like to make a motion that we recommend the North Ohio Street Gateway Overlay District be added to the Zoning Ordinance by the City Commission including the addition of flea markets to the list of prohibited uses.

SECOND: Mr. Mikesell seconded the motion.

Mr. Simpson stated its been moved and seconded. Any further questions, comments, discussion? We ready to vote? Those in favor say aye. Opposed?

VOTE: Motion carried 7-0.

Mr. Andrew stated what we will do is take that list of 19 uses and add a definition to each of those and have those available for your notebooks that we have and also keep that with the ordinance so it's something we can refer to.

Mr. Simpson asked any other items Dean?

OTHER ITEMS: Mr. Andrew stated for those of you who had not been formerly introduced, I wanted to introduce Laurie Asche who is the new Planning Secretary. So if she calls you or sends you e-mails at least you know who's communicating with you. So if you don't get your packet or you need questions answered, she would be the person to contact.

Mr. Simpson stated very good, welcome Laurie.

Mr. Andrew stated we will meet on the 19<sup>th</sup>. We have one case that involves the pending sale and transfer of Hawthorne School from

the school district to an owner that wants to convert the building to offices. Then we are planning on having a study session at 3 o'clock. The City Commission has adopted a Strategic Plan and Shared Vision Statement that's been shared with staff, but that's not been shared with the Planning Commission. There's some things on there that would involve work or action by the Planning Commission, so we wanted to share that with you. One aspect of that is that they had several references to wanting to encourage what they call mixed use development. So we wanted to spend a little time with the Commission going over that vision statement and then explaining to you from our perspective what mixed use development means. In a lot of context it means taking, going back in the past a little bit and taking and incorporating into your new neighborhoods, places for neighborhood commercial or public spaces, or places that people can walk to for services and encouraging that to be planned into new areas up front as part of the development. So we'll share that with you at 3 o'clock and try to bribe you with cookies and refreshments and all during that time. We have that and we have one item, Hawthorne School, on for the regular agenda.

Mr. Simpson stated I was remiss in not thanking the people from the Shalimar neighborhood and the developer for getting together and working out that plan. I think that's really a good positive thing for the neighborhood.

Mr. Andrew stated it is reflect of the atmosphere at the meeting today versus the very first one, they are really to be commended and Ken Wasserman commended for putting a neighborhood meeting together and listening and taking all of those things into account.

Ms. Yarnevich asked Dean do we have a meeting on January 2?

Mr. Andrew stated right now we have no items scheduled and the deadline has pretty well passed and our preference would be not to hold one on that date and let people extend their holiday a little bit.

Mr. Simpson stated very good. We are adjourned.

The meeting adjourned at 5:40 p.m.

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Dean Andrew, Secretary